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Before the
Federal Communications Commission
Washington, DC

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 202(b),)
Table of Allotments,) RM-
FM Broadcast Stations)
(Kahalu'u, Hawaii))

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Brewer Broadcasting Corp. ("Brewer"), licensee of Station KLEO, Kahalu'u, Hawaii, by its attorney, hereby requests that the Commission amend the Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Kahalu'u, Hawaii	291A	291C

In support thereof, the following is stated:

Brewer is the licensee of Station KLEO, Channel 291A, Kalalu'u, Hawaii. This Kalalu'u, Hawaii assignment can be upgraded to Channel 291C in full accord with the Commission's spacing rules. Attached hereto is a Technical Statement which demonstrates that Channel 291C can be substituted for Channel 291A at 19° 44' 30" N, 155° 57' 23" W, which will prevent any shortspacing from occurring with any currently authorized or proposed facility. Permission for use of that site already has been obtained.

Adoption of this proposal will be in the public interest. As demonstrated in the Technical Statement, approval of this proposal will allow Brewer to improve the service that it provides to the public by increasing its service to the Island of Hawaii.

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Accordingly, Brewer respectfully requests that the Commission amend the FM Table of Allotments to substitute Channel 291C for Channel 291A pursuant to Section 1.420(g) of the Commission's Rules, and modify Brewer's license to permit operation on Channel 291C in lieu of Channel 291A. Insofar as Brewer is proposing to upgrade an allotment on the co-channel on which it is authorized to operate, it is not appropriate that the Commission accept any competing expressions of interest for the allotment that may be filed by any outside party.

WHEREFORE, it is respectfully requested that this Petition be adopted, and the Commission request comment on the proposal contained herein.

Respectfully submitted,
BREWER BROADCASTING CORP.

By: 

Dan J. Alpert

Its Attorney

1250 Connecticut Ave., NW
#700
Washington, DC 20036
(202) 637-9158

March 22, 1993

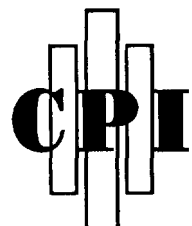
Brewer Broadcasting Corporation
Separation Study
Petition to Amend the Table of Allotments

Channel 291, Kahaluu, Hawaii

March 17, 1993

Caughill-Palitz, Inc., Honolulu, Hawaii 96826

1750 Kalakaua Ave. #3-120 (800) 222-4274 / (808) 941-3618



Brewer Broadcasting Corp.
Separation Study - Petition to Amend the Table of Allotments
Channel 291A, Kahaluu, Hawaii
March 17, 1993

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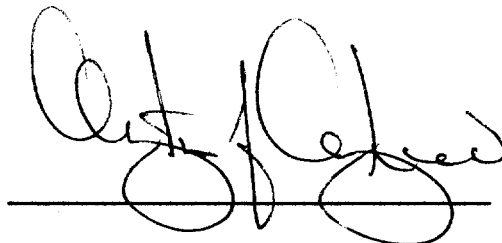
- Declaration
 - Use Restrictions
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 - Narrative Statement - Separation Study
 - Summary
 - Attachments
- FM Spacing Study - Computer Print

Brewer Broadcasting Corp.
Separation Study - Petition to Amend the Table of Allotments
Channel 291A, Kahaluu, Hawaii
March 17, 1993

Declaration

I, Clayton F. Caughill, declare and state that I am certified by the Society of Broadcast Engineers as a Professional Broadcast Engineer, the holder of an FCC General Radiotelephone Certificate, and that my qualifications are known to the Federal Communications Commission, and that I am President of the firm Caughill- Palitz, Inc. and that firm has been retained by Brewer Broadcasting Corp., licensee of Station KLEO for the purpose of determining the technical feasibility of substituting the assignment of Channel 291C for Channel 291A at Kahaluu, Hawaii.

All facts contained herein are true of my own knowledge except wherein stated to be on information and belief, and as to those facts, I believe them to be true.

A handwritten signature in black ink, appearing to read 'Clayton F. Caughill', is written over a horizontal line.

Clayton F. Caughill

Executed on the 17th day of March, 1993

Brewer Broadcasting Corp.
Separation Study - Petition to Amend the Table of Allotments
Channel 291A, Kahaluu, Hawaii
March 17, 1993

Use Restrictions

The information contained in this study was prepared for the sole use of Brewer Broadcasting Corp. in petitioning the Federal Communications Commission to amend the Table of Allotments, substituting Channel 291C for Channel 291A at Kahaluu, Hawaii.

The copying, duplication or other such transfer of these materials or the information contained herein, either whole or in part, is prohibited without the express written consent of Caughill-Palitz, Inc., save for the following two exceptions:

1. Use by the Federal Communications Commission pursuant to their processing and otherwise deciding upon the merits of the above-described petition; and,
2. The duplication of these materials for the sole purpose of examination by parties interested in the nature of this petition.

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Brewer Broadcasting Corp.
Separation Study - Petition to Amend the Table of Allotments
Channel 291A, Kahaluu, Hawaii
March 17, 1993

Statement of Circumstances

The State of Hawaii is divided into four counties. The largest county is Hawaii County, encompassing the entire Island of Hawaii, some 10,448.5 square kilometers in land area. This island divided by two large mountains, the dormant volcano Mauna Kea to the North, and Mauna Loa to the South. Population centers are Hilo on the eastern side of the island and the Kona area on the western side. FM coverage of the eastern side of the island from stations on the western side is precluded by the high mountains (over 3,100 meters)

While the population of the Hilo area is decreasing, the population of the Kona area is expanding. Individual cities and towns in Hawaii are not political entities. The population of the Kona coast is no longer concentrated in the area of Kailua and Kahaluu but is growing in the area from Waikalua to South Point.

The petitioner is desirous of increasing his coverage of the island, and therefore seeks substitution of Channel 291C for Channel 291A at Kahaluu, Hawaii. This study will demonstrate that the proposed amendment meets all FCC requirements with respect to separation from other facilities. The petitioner will file a construction permit application specifying Class C facilities when the amendment to the Table of Allotments becomes effective.

Brewer Broadcasting Corp.
Separation Study - Petition to Amend the Table of Allotments
Channel 291A, Kahaluu, Hawaii
March 17, 1993

SEPARATION STUDY - NARRATIVE STATEMENT

Reference Coordinates

The petitioner operates a station on the channel under study (291A). A study was first made using the geographical coordinates for Kahaluu as those of the KLEO (FM) transmitter site per CFR Section 73.208(a)(1). The channel met all spacing criteria using those coordinates and a Class C facility could be constructed at the present location.. The petitioner, however, has obtained permission from the landowner to utilize a new site offering superior coverage. The geographical coordinates of this new site have been used in the instant study. It is this new location that the petitioner will utilize in its Class C application at such time as the Table of Allotments is amended.

Search Area

Only facilities and allotments within the State of Hawaii are considered in this study. Kahaluu is over 3,900 km from Los Angeles, CA, and over 3,700 km from San Francisco, CA. There are no land areas under FCC jurisdiction with FM allotments within 3,500 km. of Hawaii.

Spacing Study

The Attachment is a spacing study done by computer utilizing the FCC database. The computer program has retrieved all records pertinent to the study, which consist of all geographically "close" records for the same channel (co-channel), 1, 2, or 3 channels removed (1st, 2nd, & 3rd adjacent), and 53 or 54 channels removed (intermediate frequency). Records were retained which fell within the commercial spacing table from the FCC rules with the addition of a safety zone specified at the time the program was run. If no records were found within this distance, the nearest record for that channel was retrieved. If no records were found within 3500 km., the channel was simply identified as clear without further notation.

The records have been sorted by channel and printed on the attached report. Each facility record entry on the attached report is accompanied by a required separation distance. This value is selected from the separation table from the FCC rules.

Summary

Analysis of the attached spacing study shows that the proposed substitution of channel 291C for channel 291A at Kahaluu, Hawaii exceeds all of the Commission minimum distance separation requirements by a substantial margin. The Table of Allotments should be amended to reflect this substitution without site restriction.

Caughill-Palitz, Inc.
Honolulu, Hawaii
FM Spacing study

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Title: KLEO - Brewer Broadcasting Corp.
Channel 291C (106.1 MHz)
Database: FCC 01/26/93

Latitude: 19-44-30
Longitude: 155-57-23
Safety zone: 135 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
=====								
			237					31
								CLEAR

KAIM-FM LIC Christian Broadcasting A 238C1 100 21-17-08 312.1 257.4 41
Honolulu HI BLH-790122AD 95.5 -6 157-48-08 131.4 216.4 CLEAR
*To channel 238C per D91-285

KWYA CP Rey-Cel Broadcasting, Li 288A 6 20-42-32 338.7 115.0 95
Haliimaile HI BMPH-910827IG 105.5 90 156-21-33 158.6 20.05 CLEAR

ALLOC 288A 20-52-16 342.2 131.4 95
Haliimaile HI DOC-88-322 105.5 156-20-38 162.1 36.42 CLEAR
Filing window 04/03-05/03/89 **CLOSED** ; Effective 3-31-89

289 105
CLEAR

NEW APC Radio Representatives, I 290C 79DA 21-19-49 313.6 257.3 241
Honolulu HI BPH-870910MD 105.9 665 157-45-25 133.0 16.28 CLEAR
DOC-90-84; Cut-off 01/30/89; Initial Decision to Deny; Initial Decision 920403
-Decision affirmed by the Review Board 920821 DA: oddball ODD870910MD @ 0 deg

ALLOC 290C 21-18-48 311.7 264.3 241
Honolulu HI DOC-84-231 105.9 157-51-48 131.0 23.25 CLEAR
Filing window 07/31-09/10/87 **CLOSED** ; # 30

NEW APC Kasa Moku Ka Pawa Broadc 290C 100 21-23-50 309.9 289.2 241
Honolulu HI BPH-870910MZ 105.9 600BT158-06-06 129.1 48.18 CLEAR
DOC-90-84; Cut-off 01/30/89; Initial Decision to Grant; Initial Decision 92040
3-Decision affirmed by the Review Board 920821

KLEO CP Brewer Broadcasting Corp 291A 6 19-37-11 174.2 13.57 226
Kahaluu HI BMPH-920507II 106.1 -75 155-56-36 354.2 -212 SHORT
NOTE: THIS IS APPLICANTS PRESENT FACILITY
ALLOC 291A 19-35-00 184.3 17.58 226
Kahaluu HI DOC-88-314 106.1 155-58-09 4.3 -208 SHORT
Filing window 04/04-05/04/89 **CLOSED** ; Effective 4-3-89

292 165
CLEAR

293 105
CLEAR

294 105
CLEAR